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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,164	02/14/2001	Tetsuro Motoyama	194536US-2	8311
22850	7590	12/04/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2126	5

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Applicati n No.

09/782,164

Applicant(s)

MOTOYAMA ET AL.

Examiner

LeChi Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. Claims 1-3, 8-10, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterka (Software application lifecycle and management for broadcast application).

As to claim 1, Peterka teaches a monitoring device (a set top terminal, page 1, ln 25-29, page 2, ln 1-30, ITU-T X.731, page 11, ln 1-30/ the controlling process, sec: 6.1.1, page 20/ an application manage or an agent, page 17, ln 14-30), target applications (application, page 5, ln 5-30/ page 6, ln 1-15/ page 20, ln 10-20/ page 21, ln 1-20/ user, page 15, ln 1-30 to page 16, ln 1-30/ page 17, ln 1-13), plurality of target application (applications, page 33, ln 1-30/ an interface (API, page 5, ln 5-30/ page 6, ln 1-15/ page 20, ln 10-20/ page 21, ln 1-20), an identification( get Application ID(), page, 21, ln 1-20), start monitoring( start (), page 20, ln 7-30), send information ( broadcast/ delivering applications, page 10, ln 10-29), a first predetermined destination ( receiver, page 10, ln 10-29), information( information, page 10, ln 10-29). Peterka does not explicit teach the term colleting information regarding to a plurality applications. However, Peterka teaches a mechanism to retrieve a downloadable or broadcast application (page 10, ln 10-25). It would have been obvious to apply the teaching of Peterka in order to manage the applications at the set top terminal.

As to claim 2, Peterka teaches record a first event (reporting the resource has completed some processing operation, page 33, ln 1-11).

As to the method of claim 3, refer to the rejection of claim 1. Further, Peterka teaches the second one of the plurality of target applications (applications, page 2, ln 1-30/ page 3, ln 1-26).

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**As to an object oriented system of claim 8**, refer to the rejection of claim 1. Further, Peterka teaches a first device, a second device, a third device (video on demand, audio on demand, pay-per-view, page 2, ln 1-25).

**As to the system of claim 9**, refer to the rejection of claim 2. Further, Peterka teaches a fourth device (video on demand, audio on demand, pay-per-view, page 2, ln 1-25).

**As to the system claim 10**, refer to the rejection of claim 3. Further, Peterka teaches a fifth device, sixth device, a seventh device (video on demand, audio on demand, pay-per-view ... , page 2, ln 1-25).

**As to a program product of claim 15**, see the rejection of claim 1.

**As to a program product of claim 16**, see the rejection of claim 2.

**As to a program product of claim 17**, see the rejection of claim 3.

2. Claims 4, 11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterka (Software application lifecycle and management for broadcast application) in view of Fukuhara et al (US. 4,672,611).

**As to claim 4**, Peterka teaches a first predetermined communication protocol (define protocols, page 10, ln 10-25).

Peterka does not teach the interface for format the data. However, Fukahara teaches setting the data format (col 12, ln 9-45).

It would have been obvious to apply the teaching of Fukuhara to Peterka in order to provide a monitoring displaying system for the serial transmission line in which, data from the transmitting side and from the receiving side are distinguishably.

**As to the system of claim 11**, see the rejection of claim 4.

**As to a program product of claim 18, see the rejection of claim 4.**

3. Claims 5, 6, 7, 12, 13, 14, 19, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterka (Software application lifecycle and management for broadcast application) in view of Fukuhara et al (US. 4,672,611) and further in view of Tuominen(data service in a mobile communications network).

**As to claim 5, 6, Peterka does not teach step of determining, based on the determining step converting the first predetermined format protocol to a first acceptable predetermined format/ protocol. However, Tuominen teaches converting them into a format compatible with one of the protocols / one of the protocol of mobile communications into the format, a predetermined criterion (page 3, ln 1-35).**

It would have been obvious to apply the teaching of Tuominen to Peterka in order to make information collection using multiple formats and multiple protocols with verification of formats and protocols more consistent.

**As to claim 7, does not Peterka teaches text format, binary format, comma separated format XML format, SMTP and FTP. However, Tuominen teaches a HTML text (col 16, ln 1-1-36), HTTO(s), POP3, FTP (fig.2).**

It would have been obvious to apply the teaching of Tuominen to Peterka in order to to make information collection using multiple formats and multiple protocols with verification of formats and protocols more consistent.

**As to the system of claim 12, 13, see the rejection of claim 5, 6.**

**As to the system of claim 14, see the rejection of claim 7.**

**As to a program product of claim 19, 20, see the rejection of claim 5,6.**

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**As to a program product of claim 21, see the rejection of claim 7.**

**4. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Fax phone: AFTER\_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICAL faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

LeChi Truong  
November 19, 2003



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100